

APPENDIX B

AMENDED CLAIMS 1-8 AND 15; AND NEW CLAIMS 16-21 (MARKED-UP VERSION)

Please cancel claims 2 and 9-14.

Please amend claims 1, 3-8 and 15 as follows:

1. (Amended) A plant [Plant] promoter, [characterized in that it comprises] comprising
(1) a minimal promoter comprising a TATA box and initiation site, [and] (2) transcription-
activating elements from a first promoter [a set of], and (3) transcription-activating elements
from a second promoter [which elements],

wherein said first and second promoters are different,

wherein said transcription-activating elements from the first promoter and said transcription-
activating elements from the second promoter have [a] complementary expression patterns
[pattern and level of transcription] in a plant, and

wherein the expression pattern of the first promoter and the expression pattern of the second
promoter are at least 1% in all plant parts in which they overlap.

3. (Twice Amended) The plant [Plant] promoter according to claim 1, [characterized in
that] wherein the first [one] promoter [of the set of promoters] is specifically expressed [active]

in green parts of a [the] plant, [while the other] and the second promoter is specifically expressed [active] in underground parts of the plant.

4. (Amended) The [Constitutive] plant promoter according to claim 3, [characterized in that it is a combination of] wherein the first promoter is a ferredoxin promoter [the ferredoxine] and the second promoter is a RolD promoter.

5. (Amended) The [Constitutive] plant promoter [of] according to claim 4, [characterized in that] wherein the minimal promoter [element] is [derived from the] a ferredoxin minimal promoter.

6. (Twice Amended) The [Constitutive] plant promoter according to claim 4 or 5, [characterized in that] wherein the ferredoxin promoter is [derived from] an Arabidopsis thaliana ferredoxin promoter.

7. (Amended) The [Constitutive] plant promoter according to claim 6, [characterized in that it comprises the sequences of] comprising SEQ ID NO:1 and SEQ ID NO:2.

8. (Amended) The plant [Constitutive] promoter according to claim 6 [7], [characterized in that it comprises the sequence of] comprising SEQ ID NO:3.

15. (Twice Amended) A chimaeric [Chimaeric] gene construct [for the expression of genes in plants] comprising the plant promoter of claim 1.

Please add new claims 16-21 as follows:

16. (New) The plant promoter according to claim 1, wherein the minimal promoter is from the same promoter as the first promoter.

17. (New) The plant promoter according to claim 1, wherein the minimal promoter is from the same promoter as the second promoter.

18. (New) The plant promoter according to claim 1, wherein the minimal promoter is from a third promoter, wherein the third promoter is different than the first and second promoters.

19. (New) The plant promoter according to claim 4, wherein the minimal promoter is a RolD minimal promoter.

20. (New) The plant promoter according to claims 4 or 19, wherein the RolD promoter is a *Agrobacterium rhizogenes* RolD promoter.

21. (New) The plant promoter according to claim 1, wherein the expression pattern of the first promoter and the expression pattern of the second promoter are at least 5% in all plant parts in which the first and second promoters overlap.